

AN ORDINANCE CONCERNING THE AIR QUALITY OF THE CITY; RESTRICTING THE USE OF SOLID FUEL SPACE HEATING DEVICES DURING AIR POLLUTION EPISODES; ESTABLISHING PENALTIES AND ADDING SECTION 4-8-4 TO THE SPRINGFIELD CITY CODE 1965.

The City Council of the City of Springfield finds that:

A. The health, safety and welfare of the citizens of Springfield are adversely affected by the degradation of air quality. Violations of federal ambient air standards, as measured by the Lane Regional Air Pollution Authority (LRAPA), occur periodically in Springfield.

B. Wood and other solid fuel combustion for space heating produces particulate matter and other emissions which are physically harmful and aesthetically unpleasant, and which contribute to the degradation of air quality and the violation of federal ambient air quality standards.

C. Periodic restriction of the use of solid fuel space heating devices will improve air quality. LRAPA has the expertise to determine when air quality is at such a level that such restriction is necessary to preserve the health, safety and welfare of the citizens of Springfield.

THE CITY OF SPRINGFIELD DOES ORDAIN AS FOLLOWS:

Section 1. Section 4-8-4 of the Springfield Code 1965 is added to provide:

4-8-4 Solid Fuel Space Heating Devices

(1) Definitions. As used herein, the following words and phrases shall mean:

(a) City Manager. City Manager or designee, including, if the city manager so designates, LRAPA.

(b) LRAPA. Lane Regional Air Pollution Authority, a regional air quality control authority established under the provisions of, and with authority and powers derived from, Oregon Revised Statutes 468.500 et seq.

(c) Pellet Stove. An enclosed solid fuel space heating device designed and operated to burn manufactured solid fuel and having an air-to-fuel ratio greater than 35-to-1 as determined by the federal test method described in 40 CFR Part 60.534.

(d) Person. Any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character.

(e) Person in Charge of Property. An agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of property.

(f) PM10. Solid or liquid particulate matter (excluding uncombined water) with an aerodynamic diameter less than or equal to 10 micrometers.

(g) Sole Source of Heat. One or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning devices shall be considered to be sole source of heat if the private residence is equipped with any permanently-installed furnace or heating system utilizing oil, natural gas, electricity, or propane.

(h) Solid Fuel Space Heating Device. Any device designed or operated to burn solid fuel for the heating of the interior of a building, including without limitation, solid fuel burning stoves, fireplaces, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, and solid fuel burning cooking stoves. "Solid fuel burning device" does not include natural gas fired artificial fireplaces.

(i) Stage I Red Advisory. A 24 hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be greater than or equal to 125 micrograms per cubic meter but less than 150 micrograms per cubic meter within the Eugene/Springfield Metropolitan Area General Plan Urban Growth Boundary.

(j) Stage II Red advisory. A 24 hour period beginning at 4:00 p.m. when PM10 levels are forecast by LRAPA to be greater than or equal to 150 micrograms per cubic meter within the Eugene/Springfield Metropolitan Area General Plan Urban Growth Boundary.

(k) Visible Emissions. The reduction in transmission of light or the obscuring of the view of an object in the background caused by the air pollutants emitted by the heating device. This does not include the visual distortion caused by the heated air emitted by the heating device.

## (2) PROHIBITIONS.

(a) Stage I Red Advisory. No person in charge of property during a Stage I Red Advisory shall operate or allow to be operated a solid fuel space heating device which emits visible emissions into the air outside of the building housing the device unless the person in charge of the property has been granted an exemption to use the device by LRAPA.

(b) Stage II Red Advisory. No person in charge of property during a Stage II Red Advisory shall operate or allow to be operated a solid fuel space heating device unless the person in charge of the property has been granted an exemption to use the device by LRAPA or unless the person is operating a pellet stove which emits no visible emissions into the air outside of the building housing the device.

(3) EXEMPTIONS. A person in charge of property may operate a solid fuel space heating device during a Stage I or Stage II Red Advisory if that person has previously obtained one of the following exemptions from LRAPA.

(a) Sole Source of Heat: A person in charge of property who signs a sworn statement that the solid fuel space heating device is the sole source of heat for that persons residence is exempt from Section 2 above. Individual exemptions shall expire on July 1 of each year and must be renewed annually. This exemption shall not be issued by LRAPA after June 30, 1996.

(b) Economic Need: Persons in charge of property who satisfy criteria established under the Low Income Energy Assistance Program as administered by the Springfield Utility Board and as established by the United States Department of Energy are exempt from the prohibitions established herein. Individual exemptions shall expire on July 1 of each year and must be renewed annually.

(4) ENFORCEMENT. LRAPA is hereby authorized and designated to enforce and administer the process of Section 4-8-4(2) through 4-8-4(5) of the code in accordance with LRAPA Title 14 "Rules of Practice and Procedures" adopted February 13, 1990.

(5) VIOLATIONS. Violations of section 4-8-4(2) through 4-8-4(5) shall be in accordance with applicable Oregon Revised Statutes and LRAPA title in "Rules of Practice and Procedures" adopted February 13, 1990.

(6) WARNINGS. Prior to November 1, 1991, violation of Section 4-8-4(2) of this code shall result only in a warning, and no penalty.

ADOPTED by the Common Council of the City of Springfield this 17th day of December, 1990 by a vote of 4 for and 1 against.

APPROVED by the Mayor this 17th day of December, 1990 .

Bill Mondrett  
Mayor

ATTEST:

Gilbert Stein

REVIEWED & APPROVED  
AS TO FORM

Joseph J. Leahy

DATE: 12/10/90

OFFICE OF CITY ATTORNEY  
CITY OF SPRINGFIELD